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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Twenty-first session

SUMMARY RECORD OF THE 39th MEETING

held at the Palais des Nations, Geneva
on Monday, 22 November 1999, at 3 p m

Chairperson Mr AHMED (Vice-Chairperson)

later Mrs BONOAN-DANDAN (Chairperson)

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The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS

(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT (agenda item 6) (continued)

Initial report of Armenia (continued) [(E/1990/5/Add.36), core document (HRI/CORE/1/Add.57), country profile (E/C.12/C/ARM/1), list of issues to be raised (E/C.12/Q/ARM/1), written replies provided by the Government of Armenia (document circulated without a symbol)]

1. At the invitation of the Chairperson, the Armenian delegation resumed their places at the Committee table and Committee members asked additional questions on articles 1-5 of the Covenant.

2. Mr. HUNT emphasized the need to adopt a trans-sectoral strategy to combat domestic violence. He wished to know whether the special social services for the victims of violence, referred to in the written reply to question 12, provided assistance only for those subject to domestic violence, and whether the State party planned to adopt an overall strategy or conduct a general examination of its policies.

3. Mrs. JIMÉNEZ BUTRAGUEÑO expressed regret at the small amount of information provided about discrimination against women. Did the law, in particular the Criminal Code, provide for penalties against the increasing scourge of violence against women, and were there programmes to eliminate discrimination against women, in particular in employment? Furthermore, were women still subject to discrimination as regards access to property?

4. Mr. ATANGANA asked what exactly was to be understood by the term "draft" in the delegation's reference to a draft being prepared to improve the situation of women. Was the draft in the form of a law or regulations?

5. Mr. SAMVELIAN (Armenia), replying to Mr. Ceville's question on the opportunities for women to take legal action in cases of discrimination, said that the right to refer such matters to the courts and free legal aid were guaranteed for all, men and women, by article 38 of the Constitution. Together with five other major international human rights instruments the Covenant had been published in Armenian and Russian, and was therefore available to the vast majority of the population. The media closely followed the submission and consideration of reports, and worked very hard to keep the general public informed. The State cooperated with European bodies in human-rights education and had organized a number of round tables. There were plans for seminars and meetings with representatives of the High Commissioner for Human Rights and non-governmental organizations (NGOs). In the event of a conflict the Covenant prevailed over domestic law.

6. Mr. KAZHOYAN (Armenia) admitted that the economic situation had adversely affected the exercise of human rights in Armenia. After several difficult years, the construction sector was in crisis. A recovery was, however, on the way: 195 blocks of flats and 167 social housing

units had been constructed between January and April 1999, and a UNHCR refugee housing programme was in progress. The recovery was particularly noticeable in the areas devastated by earthquakes. In the education sector, the economic situation had also had an impact. Despite the problems, free secondary school education, which was compulsory for all, had continued to be provided; public higher education establishments had continued in operation and at the same time 15 private and 3 international universities (American, French and Russian) had opened.

7. He refuted the allegation that property was systematically vested in the man in a couple. It was indeed usual for the deeds to the family home to be drawn up in the name of the husband, as the head of the family, but they did not have to be. A number of prosperous businesses were owned by women. The number of women in top management positions was very small, but they were well represented further down the pyramid, especially in sectors such as education, health, the social services and culture, where some 70 per cent of middle and senior managers were women. The number of women in the National Assembly had decreased because under the communist regime the Government had imposed quotas, but now representation simply reflected the choice made by the electorate. Furthermore, the growing disparity between overall remuneration for female and male workers was due not to a difference in the average wage of men and women, but to the fact that an increasing number of women did not work.

8. Paragraph 50 of the report was awkwardly worded. In reality, the Constitution did not place any restriction on human rights and freedoms in peacetime. Restrictions could be imposed only if martial law were declared. In cases where citizens' rights were violated, the cases could be referred to the Presidential Human Rights Commission, which was authorized to receive and examine complaints from citizens. The establishment of an institution similar to an "ombudsman" would perhaps be envisaged in the future. A new department had recently been set up specifically to deal with refugee issues. Refugees who had not been granted Armenian nationality enjoyed the same rights as Armenian citizens, apart from the right to vote in national elections. They had recently been granted the right to vote in local elections.

9. Mr. SADI said the question was not so much whether women had the right to refer cases of discrimination to the courts as whether there was adequate legal protection against discrimination, i.e. what laws women could invoke before the courts. He saw from paragraph 43 of the report that the Constitution guaranteed women's political, social and cultural rights, but wondered about their economic rights. He also asked whether the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages was to be ratified in the near future.

10. Mr. GRISSA pointed out that it was not only in the National Assembly but in all sectors that the representation of women had declined in the past few years. According to the delegation, refugees enjoyed the same rights as Armenian nationals apart from the fact that they did not have the right to vote; did they really have the same entitlements, in particular in areas such as employment, social security or pension provision?

11. The CHAIRPERSON explained that the Committee's concerns about discrimination against women in terms of access to property had been generated by a report of the International Women's Rights Action Watch (IWRAW). According to IWRAW, which had visited Armenia and consulted Armenian NGOs, women were granted title to property only if they were not living with a man. The same NGO stated that in prisons men were entitled to private visits from their spouses, but female detainees did not enjoy the same privilege in relation to their husbands.

12. Mr. KAZHOYAN (Armenia) said that until recently no information on domestic violence had been available. Mentalities were changing gradually but a lot more consciousness-raising was still required. That task was the duty of the Gender Commission. The Government had helped to make a documentary on women's rights and was currently running a campaign on that subject. In general, legislation did not contain any provisions aimed specifically at women, and that was probably the best illustration of the absence of discrimination between men and women.

13. Responding to Mr. Grissa, he reaffirmed that refugees enjoyed exactly the same rights, including access to schools, health care and so on, as Armenian nationals, apart from the right to vote in national elections. The integration of refugees had certainly been made easier by the fact that a large number of them were of Armenian origin. The only reason why so few had been naturalized was that they themselves often wished to retain refugee status, believing that they would thereby receive international assistance.

14. Turning to the subject of prisons, he said that some of the data in the report were incorrect. Meetings would be held with NGOs in order to ascertain how mistakes could have found their way into the report and to avoid any recurrence. In any event, Armenia had only one mixed prison establishment and the number of people detained there was not that indicated in the report. It was true that the female detainees could not be visited by their spouses in a separate room, but that rule also applied to the male detainees. The reason was a lack of financial resources. Programmes were, however, in progress to improve the conditions for prisoners and the training of prison officers.

15. The CHAIRPERSON invited the Armenian delegation to move on to articles 6, 7 and 8 of the Covenant.

16. Mr. NAZARIAN (Armenia) said that the rights mentioned in articles 6 and 7 of the Covenant, i.e. the right to work, and just and favourable conditions of work, also applied to foreigners and stateless persons. The Armenian Government had taken steps to improve the competitiveness of women on the labour market and all workers were free to belong to the trade union of their choice.

17. The welfare system in Armenia comprised two main branches: on the one hand pensions, and on the other sickness and maternity allowances. In accordance with the Pensions Act adopted in 1995, all Armenian citizens, together with foreigners and stateless persons residing in Armenia, were entitled to receive social insurance. In order to guarantee the right of disabled people to social security, in July 1993 the National Assembly had adopted a Disabled Persons' Welfare Act guaranteeing the right of such people to work, training and vocational education.

18. Mr. ANTANOVICH asked what measures had been taken by the Armenian Government to combat unemployment among women. What efforts had been made by the Armenian authorities to arrest the growth in unemployment? Could the delegation provide the Committee with employment data disaggregated by age, sex, and social and professional category? Could it also indicate whether a macroeconomic programme to combat unemployment existed in the country? To what extent did the adoption of the draft Labour Code represent a challenge for the authorities?

19. According to certain sources, 40 per cent of the population could be considered poor whereas, according to figures released by UNDP in 1996, 80 per cent of the Armenian population were very poor. How were those categories defined? What was the minimum income needed in order to be neither poor nor very poor? In addition, what did the Armenian Government intend to do to put a stop to emigration and the brain drain?

20. Mr. KOUZNETSOV noted that the Armenian authorities recognized that the country's legislation on labour law was inappropriate to the needs of a market economy. That being so, what were the authorities doing to remedy the situation? Was it possible to accelerate the legislative process so as to enable the draft Labour Code to be adopted at the earliest possible date? Could the delegation also provide the Committee with precise information about labour conditions and wage policies?

21. Mr. TEXIER expressed regret that the Armenian report devoted more attention to the legislation introduced to give effect to articles 6 to 8 of the Covenant than to the actual implementation process. He noted the table on the number of unemployed between 1994 and 1998, appearing on page 10 of the written replies, but would like to have relative figures disaggregated by sex. The report submitted by Armenia described the various measures introduced to stimulate employment, such as training courses and financial assistance, but did not make clear what priority the Government attached to combating unemployment. Was the Government stressing vocational training for young people and retraining schemes, or was it tackling the problem of the long-term unemployed?

22. With regard to article 7 of the Covenant, paragraph 71 of the report indicated that according to article 29 of the Armenian Constitution, everyone was entitled to a fair wage not below the minimum established by the State. Could the delegation specify how the State fixed the minimum wage? Was it an arbitrary decision or the result of consultations with workers' organizations? Could families receiving the minimum wage enjoy a decent standard of living?

23. With reference to occupational health and safety, what was the incidence of industrial accidents and occupational illnesses in Armenia? Was there a specific inspection and supervisory body, such as a labour inspectorate? Where health and safety rules were violated, could workers and employees go to law?

24. The report stated that the right to form or join trade unions was not subject to any restrictions, but made no reference to the precise role played by trade unions in the world of work. Did they participate in negotiations with the State and employers, or in tripartite wage-fixing negotiations for example? Did participatory trade unionism exist in Armenia?

25. It also appeared that in Armenia the right to strike was denied not only to all occupational groups associated to a greater or lesser extent with public order, but also to the staff of the Ministry of Justice and the Ministry of Internal Affairs, the Prosecutor's Office and the customs service. Could the delegation clarify the situation?

26. Mr. THAPALIA asked the delegation to explain how a person might avail him or herself of the constitutional right to work if there was no work. Could an individual actually go to law over poor working conditions? Could the delegation cite cases of particular importance in relation to the Covenant that had come before the courts?

27. Mr. WIMER said that it was surprising that only four cases of occupational illnesses had been recorded in Armenia in 1998, as the written reply to question 21 appeared to indicate. If that figure were correct, perhaps the system for recording that type of illness left something to be desired. Furthermore, why had the National Assembly not adopted the draft Trade Unions, Labour Protection and Collective Labour Disputes Acts, which it had been discussing since 1992? What was the cause of the delay? What was the nature of relations between the trade unions and the Government?

28. Mr. CEVILLE expressed surprise that the draft Labour Protection Act had still not been approved, even though it had been under discussion in Parliament since 1992. He asked the delegation to specify whether the issues of labour protection, individual and collective contracts, and labour disputes would be dealt with in the new draft Labour Code, to be dealt with shortly by the National Assembly. If not, which issues would the new Code cover?

29. Mr. GRISSA said that despite the delegation's claim that the borders with Turkey were closed, the earthquakes and movements of refugees must have affected the informal trade between the two countries. What impact did that trade have on structured employment and the undeclared employment that did not show up in statistics, and on salaries and standards of living?

30. Mr. SAMVELIAN (Armenia) said that article 29 of the Armenian Labour Code stipulated that women and men should be equally remunerated for work of equal value. Furthermore, Armenia was party to the Equal Remuneration Convention, 1951, the Discrimination (Employment and Occupation) Convention, 1958 and the Convention on the Nationality of Married Women, 1957.

31. Mr. KAZHOYAN (Armenia) said that it was sometimes difficult to define poverty, unemployment and undeclared employment. Many people officially registered as jobseekers following the closure of factories during the blockade had, in fact, found jobs in private companies. Generally speaking, the official minimum wage could not sustain a decent standard of living but many Armenians received remittances from family members who had emigrated and worked abroad. Therefore, remittances from abroad had to be borne in mind when speaking of a minimum wage in Armenia.

32. The Government was combating employment by making job creation a priority. For the country's economic problems to be solved, the Nagorno-Karabakh conflict also had to be resolved and the road blockade lifted.

33. Regarding the slow pace of the legislative process, it should be recalled that Armenia was a young country and needed to pass a large amount of new legislation. It was better to work relatively slowly and seriously than hastily to adopt laws which might prove difficult to implement.

34. With regard to unemployment, a few days earlier the management of the largest hotel in Erevan, which had recently been privatized, had made 200 employees redundant and refused to negotiate with any trade unions. The workers had decided to seek justice through their trade unions.

35. Trade between Turkey and Armenia was now being conducted via Georgia since the border between Turkey and Armenia was firmly closed. Many unemployed people travelled to Turkey and Georgia and bought goods for resale in Armenia. It was partly thanks to them that Armenian shops were fairly well stocked.

36. Mr. TEXIER said he feared that the situation of the 200 employees who had been laid off from the Erevan hotel might not be resolved promptly as everyone was aware that it would take some time for justice to be done. What had the Government's reaction been to that massive lay-off and the management's refusal to negotiate with the trade unions?

37. Mr. KAZHOYAN (Armenia) said that the Prime Minister's office was also trying to find a solution to the problem. Generally, the State was duty-bound to try and keep people in their jobs or propose alternative employment.

38. Mr. KOUZNETSOV asked whether priorities had been established for the review of legislation.

39. Mr. KAZHOYAN (Armenia) said that the bill on the Electoral Code had been under study for several months, retarding the progress on other laws. The finance bill and the social security bill were being given priority.

40. The CHAIRPERSON invited the delegation to answer the questions relating to the implementation of articles 8 to 12 of the Covenant.

41. Mr. NAZARIAN (Armenia) said that the Government had provided detailed written replies to all those questions. On article 9 of the Covenant, in 1993 the Supreme Council of the Republic of Armenia had passed the Disabled Persons Welfare Act.

42. Turning to protection of the family, mothers and children (art. 10), he said that a new Marriage and Family Code would replace the 1969 Code and would ensure full protection of the rights and interests of spouses and children. Furthermore, in 1998-1999 the Ministry of Social Security had formulated and submitted to the Government several draft texts relating to the adoption of abandoned children.

43. As to the right to an adequate standard of living (art. 11), the report and the written replies provided information on income distribution, poverty, the right to adequate food and the right to housing. It had proven even more difficult to give effect to the right to housing since the 1988 earthquake, which had left 500,000 people homeless in addition to the 350,000 refugees from Azerbaijani aggression.

44. With respect to the right to physical and mental health (art. 12), he referred the Committee to paragraphs 220 to 246 of the report which outlined the measures taken by the Government to improve health services, health insurance, the provision of drugs, and public health inspection and protection. The report also contained information on the various bills that had been drafted, and tables showing indicators of health care and health spending.

45. Mr. CEAUSU asked whether the clause in the current Marriage and Family Code whereby a husband could not apply for a divorce without his wife's consent while she was pregnant or in the year following the birth of a child (para. 138 of the report) would be included in the new code. He also wondered whether children born out of wedlock and not acknowledged by their fathers enjoyed the same rights as other children.

46. The table on page 31 of the report concerning poverty among families with children had been based on UNICEF data. He would like to know the source documents and the objective criteria that had been used to classify families as poor.

47. Mrs. Bonoan-Dandan took the Chair.

48. Mrs. JIMÉNEZ BUTRAGUEÑO said she would like to know how the new State Pensions Act differed from the previous one and whether the fact that some categories of worker could retire between the ages of 45 and 55 did not represent a form of discrimination. How were the different types of pension coordinated and why was the age of retirement different for men and women?

49. Mr. TEXIER pointed out that the written replies indicated that the minimum wage had virtually tripled between 1994 and 1997, yet paragraph 162 of the report stated that real salaries in 1995 were only one fifth of the 1991 level. Was workers' purchasing power continuing to erode at that alarming rate? What proportion of the population lived below the poverty line? What action was being taken to deal with the situation, in particular in cooperation with the United Nations Development Programme (UNDP) and the World Bank?

50. He wondered how the Government intended to fine-tune and develop the system for categorizing the degree of need among Armenian families which, according to the written replies (p. 25), was not ideal.

51. He asked why the Government had not replied to questions 35 to 39, and said he would particularly like to know what percentage of the population lacked adequate housing, how many were homeless and whether the Government had a public housing programme.

52. He also asked what measures the Government was taking to ensure the right to adequate food since the report indicated that a substantial part of the population did not have enough to eat.

53. Mr. KAZHOYAN (Armenia) said it was true that a husband could not file for a divorce without his wife's consent while she was pregnant or during the year following the birth of a child. However, that provision would not be included in the new Marriage and Family Code. Children born out of wedlock enjoyed the same rights as children born to married couples. There were schools specifically for orphans, but now it was thought preferable for orphans to attend the same schools as other children.

54. The UNICEF data mentioned in paragraph 172 of the report had actually been released by the Armenian Ministry of Statistics and published by UNICEF. As to the different types of pension, a special retirement pension was given to certain categories of persons who had been decorated or won awards during their careers. As in many countries, the retirement age was lower for workers in difficult or dangerous jobs. Women could claim retirement benefit at 63 but could also opt for a later retirement. However, in practice, private companies made workers retire at the required age. Disputes on the subject were referred to the courts.

55. Mrs. JIMENEZ BUTRAGUEÑO said that while she could understand athletes retiring early, she was surprised that certain categories of employees in the education and culture sectors could retire at between 45 and 55 years of age.

56. Mr. KAZHOYAN (Armenia) said that the workers affected by that provision included dancers, airline pilots and teachers who could retire after 22 years of employment. The legal minimum age for marriage was 17 years for women and 18 for men. As to the housing problem, at the time of independence those living in State housing had become owners of their homes. The people seriously affected by the housing problem were refugees, earthquake victims and those who had not been able to become homeowners when the possibility had arisen. The authorities were trying to build more housing for those categories. The State, along with relief agencies, was renovating a large number of homes and making them available to the homeless. In addition, there were shelters, mostly in the capital, which were open to the homeless. The shelters also took in street children, who were looked after by specially trained staff who helped to locate their families and guided them towards appropriate facilities and activities. Excellent results had been achieved by the Erevan street children's programme which had been in operation for several months.

57. The State, churches and charitable organizations were making efforts to attend to the needs of those who did not have adequate food, which were not only the homeless. The needy were served hot meals in soup kitchens which had been started in several towns across the country. The first soup kitchens had been created three or four years previously and the fact that their numbers were not increasing was a positive sign. A large proportion of the food aid given to needy people came from organizations and individuals in the diaspora.

58. Mr. SAMVELIAN (Armenia) said that the answers to questions 35, 36 and 37 would be transmitted to the Committee at a later date. Agriculture had shown a marked improvement. The housing projects planned for January to April 1999 had been successfully completed with 25 per cent of the construction having been carried out in the area damaged by the earthquake.

59. Mr. RATTRAY asked for more detailed information on the housing situation. If he had understood correctly, right after independence, the State housing stock had been sold to individuals, "privatized", and long-term housing construction was supposed to be financed by private investment. According to the report (paras. 215-217), since 1992 investment in the housing sector had contracted considerably and construction itself had slowed a great deal. Private loan facilities had completely disappeared in recent years owing to resource shortages and the shortcomings of the banking system, and the fact that mortgages could not be taken out for private building loans. Few new homes were being built in Armenia and in the absence of State financing there were only two ways of acquiring a home: private construction or purchase on the real-estate market. The report suggested that the problem stemmed from the fact that reform in the housing sector could not work without a housing market accessible to middle-income families, and that would come about only when mortgage agreements could be concluded.

60. He wondered if the situation was still the same or whether it had changed since the report had been submitted, and what action the Government was taking to satisfy the housing needs of those who had not become homeowners. How was private investment being encouraged? Furthermore, he wondered whether the accelerated housing construction during the first few months of the year formed part of the programme of relief for earthquake victims. Would it be right to conclude from the facts presented that the Government's housing policy had failed?

61. Mr. CEAUSU agreed that the information provided did not give a clear picture of the housing situation. He was sorry the Committee had not been given more information on the number, type and location of housing units constructed; were they situated in rural or urban areas? Since central and eastern European countries had adopted laws on the restitution of property that had been confiscated under communist regimes, he wondered whether the Armenian authorities had had restitution requests from former homeowners or their heirs. Considering that Armenia was situated in an earthquake-prone zone, did the authorities impose earthquake-resistant building standards?

62. Mr. ANTANOVICH said he would like to know if there was a national programme to combat unemployment and if so, what the results were. He asked what percentage of the population lived below the poverty line and whether the fact that Armenians went abroad to work and sent money back to their relatives was considered a good thing.

63. Mr. TEXIER, referring to the table on health-care financing presented in the written reply to question 40, asked why spending on health care had fallen from 13.2 per cent of the budget in 1992 to 7.3 per cent in 1998 and whether the drop reflected altered priorities.

64. Mr. SAMVELIAN (Armenia) said that the construction programme had beaten the targets set in the first four months of the year. Housing privatization had meant that tenants could become the owners of their homes at no cost. There were virtually no requests for restitution of homes confiscated under the communist regime.

65. Mr. KAZHOYAN (Armenia) confirmed that the restitution of confiscated homes was not a significant problem and did not warrant the passage of legislation. As far as he knew, only a couple of cases had been brought before the courts. Bearing in mind the constant earthquake threat, buildings had to meet earthquake-resistance standards and the authorities verified compliance before issuing construction licences. However, compliance with the standards did not always guarantee earthquake-resistant buildings, and dishonest contractors were an ever-present problem.

66. In their attempts to curb unemployment, the authorities were emphasizing job creation and the establishment of stable economic conditions in Armenia and the region. After a period of dependence on humanitarian assistance, the Armenian authorities were now trying to offer more work and employment opportunities to the population through technical cooperation programmes.

67. Figures on the percentage of the population living below the poverty line would be furnished at a later date. The emigration of Armenian workers could not be considered "a good thing"in itself; for the moment it certainly contributed economically to the country, but could not offer a lasting solution to the country's economic problems. As to the share of the State budget devoted to health spending, the figures and percentages given in the past had not been very realistic and efforts had been made to present more realistic ones in the new budgets.

The meeting rose at 6 p.m.